

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-39367 of 2016
Date of Decision: 08.05.2017

Nisha Luthra

....Petitioner

VERSUS

State of Punjab

....Respondent

2. CRM-M-10603 of 2017

Raj Kumar Luthra

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jagjit Singh, Advocate
for the petitioners in both the petitions.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Harminder Singh, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 88 dated 06.07.2016 registered for offences punishable under Sections 420 read with Section 120-B of Indian Penal Code (for short 'IPC'), at Police Station Division no 2, Pathankot.

Heard.

As per complainant, he contacted Gaurav Luthra and petitioners in both the petitions, who are parents of Gaurav Luthra for going abroad and the deal was settled for ₹3,50,000/-, which was paid to Gaurav Luthra, who handed over the same to his mother-Nisha Luthra.

Learned State counsel submits that both the petitioners, namely, Nisha Luthra and Raj Kumar Luthra have joined the investigation. Gaurav Luthra has not been arrested so far.

Learned counsel for petitioners submits that in fact the deal of complainant was with Shashi, a travel agent, with whom Gaurav Luthra was employed and the deal of complainant was with travel agent and not with petitioners.

Both the petitioners have joined the investigation and it is a fact to be ascertained during investigation as to what was the role of petitioners in the alleged entire deal of complainant with Gaurav Luthra.

In view of above but without expressing any opinion on the merits of the case, this petition is allowed and orders dated 07.11.2016 and 20.04.2017 passed in respective petitions are made absolute till the presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

May 08, 2017

jk

Whether speaking/reasoned

Whether reportable

**(SURINDER GUPTA)
JUDGE**

Yes/No

Yes/No